

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

APRIL LAYTON, as personal representative )  
of the Estate of CHARLES HOLDSTOCK, )  
deceased, et al, )

Plaintiffs, )

v. )

Case No.: CIV-09-1208-C

CORRECTIONAL HEALTHCARE )  
MANAGEMENT OF OKLAHOMA, INC., )  
a corporation, THE BOARD OF COUNTY )  
COMMISSIONERS OF OKLAHOMA )  
COUNTY, a political subdivision of the )  
State of Oklahoma, and JOHN WHETSEL, )  
in his capacity as Sheriff of )  
Oklahoma County, )

Defendants. )

**DEFENDANTS BOCC AND SHERIFF JOHN WHETSEL’S OBJECTIONS TO  
PLAINTIFFS’ PROPOSED VOIR DIRE [DOC. #189]**

COMES NOW, the Defendants, Board of Oklahoma County Commissioners and Sheriff John Whetsel, in his official capacity, and in response to Plaintiff’s Requested Voir Dire filed on November 18, 2013 [Doc.#189] states and submits the following objections:

Paragraph 15: Per the Court’s Order Granting Partial Summary Judgment in this case filed on October 4, 2013 [Doc.#164] all of Plaintiffs state tort claims have been dismissed. As such, the only remaining Plaintiff is April Layton, executor of the Estate

of Charles Holdstock. All references to there being multiple plaintiffs or that Valerie Winfrey and Melanie Hufnagel are still plaintiffs should be removed.

Paragraph 31: The phrase “the party with the burden of proof” is misleading. This question should clarify that Plaintiff is the party who bears the burden of proof since Defendants have no burden of proof. Additionally reference to the criminal burden of proof is objectionable as being unnecessarily confusing since this case is a civil case and jury need only be questioned about their understanding and comfort level with the civil burden of proof required in this case.

Paragraph 61: Unnecessarily confuses the jury by asking about their opinion on a presumption of innocence with regard to Charles Holdstock when the matter before the jury is a civil matter, the jury will not be determining his guilt or innocence, and this legal presumption does not apply. Also, duplicative to question contained at paragraph 60.

Paragraph 62: Incorrectly implies that the U.S. Constitution (as opposed to case law interpreting the U.S. Constitution) specifically mandates inmate health care.

Paragraph 63: Question misstates the legal constitutional standard. Defendants objections to the term “proper.” Pretrial detainees have a constitutional right to “reasonable” or “adequate” medical care; not “proper.”

Paragraph 66: This question should be stricken. Plaintiffs did not appeal the granting of summary judgment against Sheriff Whetsel in his individual capacity as noted by the Tenth Circuit in its appellate order [Doc.#133, p. 2]. Any questions about assessing liability against the Sheriff individually and apart from the County is misleading and should be stricken.

Paragraph 68: This Question Mentions the Department of Justice investigation of the Oklahoma County Jail. This topic is subject to a Motion in Limine of the Defendants and reference to this report is something that should not be presented to the jury in voir dire.

WHEREFORE, Defendants BOCC and Sheriff Whetsel, in his official capacity, respectfully requests that Plaintiffs' proposed voir dire question Nos. 15, 31, 61, 62, 63, 66 and 68 not be used in this trial and for all other relief to which this Honorable Court deems this Defendant entitled.

BY: /s/ Lisa Erickson Endres  
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**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing document was served on the following person by electronically transmitting the document to the Clerk of the Court for the Western District of Oklahoma using the ECF system for filing on the date of filing:

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